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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,171	04/02/2004	Peter Hesse	250924US0CONT	7879

22850 7590 10/01/2007
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

WYROZEBSKI LEE, KATARZYNA I

ART UNIT	PAPER NUMBER
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1714

NOTIFICATION DATE	DELIVERY MODE
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10/01/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Application No. 10816171	Filing Date 4/2/2004	Applicant(s) HESSE ET AL.	Attorney Docket No. 250924US0CONT	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			Examiner Katarzyna Wyrozewski	
			Art Unit 1714	Paper Number

DATE MAILED:

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

1. ☒ The communication filed 7/23/2007 is informal/non-responsive for the reason(s) checked below and should be corrected.
APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER OR UNTIL THE EXPIRATION OF THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION (WHICHEVER IS LONGER) WITHIN WHICH TO CORRECT THE INFORMALITY.
- a. ☐ The amendment to claim(s) , filed , fails to comply with the provisions of 37 C.F.R. 1.121 and is accordingly held to be non-responsive. A supplemental paper correcting the informal portions complying with the rule is required.
- b. ☐ The paper is unsigned. A duplicate paper or ratification, properly signed, is required.
- c. ☐ The paper is signed by , who is not of record. A ratification or a new power of attorney with a ratification, or a duplicate paper signed by a person of record, is required.
- d. ☐ The communication is presented on paper which will not provide a permanent copy. A permanent copy, or a request that a permanent copy be made by the Office at applicant's expense, is required, see M.P.E.P. 714.07.
- e. ☒ Other see attachment
2. ☐ In accordance with applicant's request, **THE PERIOD OF RESPONSE FROM THE ACTION DATED** IS EXTENDED TO RUN **MONTH(S).**
No further extension will be granted unless approved by the Commissioner. 37 C.F.R. 1.136 (b)
3. ☐ Receipt is acknowledged of papers submitted under 35 U.S.C. 119 which papers have been made of record in the file.
4. ☐ Other


Katarzyna Wyrozewski

Attachment to the Notice of Non-Responsive Amendment

After careful consideration of the claims following non-responsive communication is issued.

1) Applicants claims previously directed to the spherical particles specifically comprising PEEK are now oriented to a composition that can be either metallic, ceramic, polymeric, non-polymeric or other inorganic component. The above amendment does not have support in the specification and all claims are considered as containing new matter. Applicants have support for polyether ketone polymers as stated on page 6 of the specification.

2) The way claims can be now be interpreted, as composition comprising two separate fractions, and composition is no longer polymeric powder. This is also considered as new matter

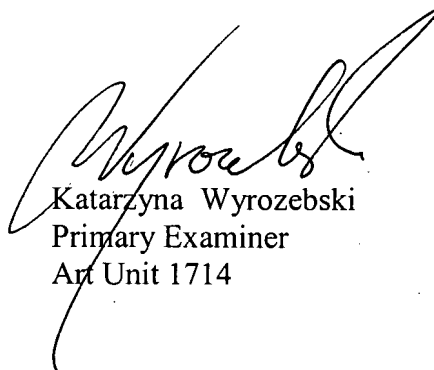
3) The applicants have included method claims, wherein method claims were restricted in the office action dated 10/19/2007. If included in the response to this communication, the method claims will be treated as non-elected by original presentation. In addition in the product by process claims, the patentable weight is given to the product and not to the process by which it is made.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna Wyrozebski whose telephone number is (571) 272-1127. The examiner can normally be reached on Mon-Thurs 8:30 AM-2:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Katarzyna Wyrozebski
Primary Examiner
Art Unit 1714

September 24, 2007